

United States District Court
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

CECIL LOUIS HIGGINBOTHAM,
Plaintiff,

v.

MICHAEL J. ASTRUE,
*Commissioner of the Social
Security Administration,*
Defendant.

JUDGMENT IN A CIVIL CASE
CASE NO. 7:09-CV-114-D

Decision by the Court:

IT IS ORDERED AND ADJUDGED that pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. §405(g), and upon consideration of the Commissioner's unopposed motion to remand this action for further administrative proceedings [D.E. 16], the court hereby **REVERSES** the Commissioner's decision under sentence four of 42 U.S.C. §405(g), and **REMANDS** the action to the Commissioner for further administrative proceedings with respect to plaintiff's claim of disability. See Shalala v. Schaefer, 509 U.S. 292, 296-97 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98 (1991). Plaintiff's motion for judgment on the pleadings [D.E. 12] is **DENIED** as moot.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **AUGUST 4, 2010** WITH A COPY TO:

David L. Best (via CM/ECF Notice of Electronic Filing)

Thomas M. Nanni (via CM/ECF Notice of Electronic Filing)

August 4, 2010

Date _____

DENNIS P. IAVARONE, Clerk

Eastern District of North Carolina

/s/Debby Sawyer

(By) Deputy Clerk

Raleigh, North Carolina